

have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 96, being "An act to punish for deer hunting by fire light at night time," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 84, "An act to amend article 178, chapter 4 of title 6 of the Penal Code," was laid before the Senate as the first special order, and read second time and ordered engrossed.

The President appointed Senator Farrar, instead of Senator Pfeuffer, to examine into the affairs of the Agricultural and Mechanical College.

Senate bill No. 25, "An act to abolish the office of fish commissioner and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate in its regular order and read the third time.

Senator Terrell submitted the following amendment:

Amend by adding "that before said ponds and fish are sold or leased that 500 of the carp fish therein shall be transferred to the ponds owned by the State at Terrell, Texas."

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—4.

Davis,	Glasscock,	Johnson.
Garrison,		

ABSENT, NOT VOTING,

Pfeuffer.

The bill passed by the following vote:

YEAS—19.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Woods.
Garrison,		

NAYS—6.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Perry,	Traylor.

ABSENT, NOT VOTING.

Pfeuffer.

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was laid before the Senate in its regular order, and

Read the third time and passed by the following vote:

YEAS—20.

Bell,	Farrar,	Glasscock,
Camp,	Fowler,	Harrison,
Davis,	Garrison,	Houston of Wheeler,
Evans,	Getzendaner,	Johnson,

Peacock,
Perry,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—5.

Calhoun,
Hall,

Houston of Bexar, Pope.
Jerdone,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Referred to Committee on Internal Improvements, Senator Davis moved to reconsider and to lay that motion on the table.

Senator Pope moved a call of the Senate.

The call was seconded by the requisite number.

The call was completed, and

Senator Pfeuffer was found absent without excuse.

Senator Davis moved to excuse Senator Pfeuffer on account of sickness for to-day.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—1.

Calhoun.

The Senate was declared full, and

The motion of Senator Davis was adopted.

Substitute House bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up in regular order and read third time.

Senator Bell moved to postpone the pending bill till to-morrow.

Lost.

Senator Bell raised the point of order that the same provision has already been voted down once, and cannot be considered again.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Farrar moved to excuse Senator Houston of Bexar till Monday.

Adopted.

Senator Pope renewed his motion to adjourn till 10 o'clock to-morrow morning.

Adopted.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 14, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.

Roll called.
 Quorum present.
 Prayer by Rev. Dr. Malone.
 On motion of Senator Stinson,
 The reading of the journal of yesterday was dispensed with.
 On motion of Senator Bell,
 The First Assistant Secretary, Mr. Boynton, was excused till Thursday, on account of sickness.
 On motion of Senator Davis,
 Senator Pfeuffer was excused indefinitely, on account of sickness.

PÉTITIONS AND MEMORIALS.

By Senator Calhoun:
 Memorial of citizens of Taylor county, praying for the submission of a constitutional amendment for prohibition.
 Referred to Committee on Constitutional Amendments.
 By Senator Jones, by request:
 Protest of citizens of Houston, Texas, against the passage of the Houston (of Bexar) insurance bill.
 Referred to Committee on Insurance, Statistics and History.
 By Senator Hall:
 Memorial from citizens of Kinney and Crockett counties, protesting against the organization of Val Verde county.
 Referred to Committee on Counties and County Boundaries.
 By Senator Kleberg:
 Memorial of citizens of DeWitt county, asking for an amendment to the Constitution prohibiting the manufacture and sale of spirituous, vinous and malt liquors in this State.
 Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEE.

By Senator Traylor:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 249, entitled "An act to repeal an act entitled 'an act to authorize counties to issue bonds for bridge purposes and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the called session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

TRAYLOR, Chairman.

By Senator Davis:

COMMITTEE ROOM,
 AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 116, entitled "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

By Senator Bell:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 84, being "An act to amend article 178, chapter 4 of title 6 of the Penal Code, so as to prevent selling liquors on election day," and find the same correctly engrossed.

BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a petition of the citizens of Stephenville, Fannin county, asking for a law to prohibit the sale of intoxicating liquors within certain limits of Stephenville High School, have carefully examined the same, and instruct me to report the same back with the recommendation that the relief prayed for in said petition cannot be granted, on account of the unconstitutionality of the same.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 174, entitled "An act to amend section 4 of an act entitled 'an act to provide for an organization of a board to direct and supervise, control,' etc., approved March 28, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment, to-wit: Amend by striking out all after the word "fixed," and add thereto the words, "fee of such amount as the Governor may deem sufficient to pay the expenses of such agent while in attendance to this business, and a further fee by way of commissions not to exceed two per cent of the amount allowed by the United States government on these claims, to be paid said agent upon the collection of said claims."

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
 AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred a memorial of the committee of colored men appointed by the colored people of Texas in convention at Houston assembled, August, 1884, asking for suitable legislation upon the following subjects: Jury law, county convict farms, houses of correction, and colored branch University, have carefully examined the same, and instruct me to report the same back with the opinion that the law is now sufficient in every respect, except as to the mode and manner of the treatment of county convicts, and ask that said petition be referred to Judiciary Committee No. 2, for the purpose to make such changes as they may deem fit and proper.

All of which is respectfully submitted.

RANDOLPH, Chairman.

BILLS AND RESOLUTIONS.

Senator Johnson offered the following resolution, which, under the rules, lays on the table one day:

Resolved, That on and after Monday, the sixteenth of February, the Senate hold two sessions each day.

By Senator Stinson:

"An act to amend section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties."

Referred to Committee on Counties and County Boundaries.

By Senator Evans:

"An act to amend article 4419 of the Revised Civil Statutes," etc.

Referred to Committee on Roads and Bridges.

By Senator Jerdone:

"An act to amend article 3176 of the Revised Civil Statutes of the State of Texas, concerning mechanics' and other liens."

Referred to Judiciary Committee No. 1.

Senator Pope introduced the following resolution:

Whereas, The Hon. Thomas A. Hendricks, Vice-President elect of the United States, as we learn from the papers of the State, contemplates a visit to certain cities in Texas; therefore,

Be it resolved, That the Senate and House of Representatives of the Texas Legislature, now in session, do cordially invite the Hon. Thomas A. Hendricks, Vice-President elect of these United States, to visit the capital of Texas.

2. Resolved, That the President of the Senate and Speaker of the House of Representatives be and they are hereby respectfully requested to jointly communicate by telegraph this invitation to our distinguished fellow-citizen.

Adopted.

By Senator Randolph, by request;

"An act to amend article 765 of the Penal Code of the State of Texas."

"An act to amend chapter 13, title 22 of the Penal Code, etc., by adding thereto article 765a."

Both bills referred to Judiciary Committee No. 2.

Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87, of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming, or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25, general laws of the special session of the Eighteenth Legislature, 1884; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b, 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory," was laid before the Senate as a special order.

On motion of Senator Davis,

Action on the bill was postponed, and made the special order for Tuesday after morning call.

Substitute House bills Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,' etc., was taken up, and,

On motion of Senator Davis,

The Senate refused to recede from the Senate amendments, and a free conference committee asked for.

On motion of Senator Jones,

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order.

Read the second time and ordered engrossed.

Senate No. bill 113, "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties, and privileges,' approved February 15, 1881," was laid before the Senate.

Read third time and passed.

Senate bill No. 96, "An act to punish for deer-hunting by firelight at night time," was laid before the Senate.

Read third time and passed.

On motion of Senator Johnson,

Senate bill No. 153, "An act to amend article 4360 of an act entitled 'an act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389, and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2 and article 4418 of chapter 4, title 87 of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor," passed by the Eighteenth Legislature at its called session," was taken up out of its regular order, and made special order for Tuesday after morning call.

On motion of Senator Stinson,

Senate bill No. 81, "An act to amend article 500, chapter 3, title 15 of the Penal Code," was taken up out of its regular order and read second time.

The committee amendment was adopted.

Senator Davis offered an amendment to strike out all after "years," in eighth line.

Withdrawn.

Senator Kilgore offered the following:

Amend by striking out all after the word "years," line eight, and insert the following: "If the assault is made by a person in disguise, or with a bowie knife, dirk, dagger, pistol, slung shot, sword cane, spear, knuckles made of any metal whatever, or any kind of knife capable of inflicting death, the punishment for such assault shall not be less than four years nor more than ten years."

Adopted, and

The Senate refused to engross the bill by the following vote.

YEAS—12.

Bell,	Glasscock,	Stinson,
Evans,	Johnson,	Terrell,
Fowler,	Perry,	Traylor,
Getzendaner,	Pope,	Mr. President.

NAYS—14.

Calhoun,	Hall,	Kleberg,
Camp,	Houston of Wheeler,	Peacock,
Davis,	Jerdone,	Randolph,
Farrar,	Jones,	Shannon.
Garrison,	Kilgore,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES, AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of House bill No. 105, "An act to create the county of Val Verde, and to provide for its organization."

House concurrent resolution requesting Texas Senators and Representatives to secure a survey and report upon the navigable condition of West Galveston and San Louis bays by the United States government.

A. D. SADLER,
Chief Clerk House of Representatives.

The President gave notice of signing House bill No. 35, "An act to amend article 4531 of the Revised Statutes," and

House concurrent resolution inviting President Diaz to the laying of the corner stone of the new State Capitol.

On motion of Senator Traylor,

Senate bill No. 194, "An act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same," was taken up out of its

regular order and made special order for Monday after morning call, to be considered with the special order for that time.

On motion of Senator Bell, Senate bill No. 120, "An act to amend article 1161, title 28, chapter 4 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order, read the second time and made special order for Thursday after morning call.

Senator Davis moved to have the bill referred to a special committee of three, who should report on the constitutionality of the bill.

Adopted, and Senators Davis, Bell and Camp appointed on the committee.

On motion of Senator Davis, Senate bill No. 157, "An act to amend 'an act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes,' etc., so as to better regulate the law of escheats," was taken up out of its regular order, and

Read second time, with the first, second and third committee amendments, and

Amendments adopted and bill ordered engrossed.

Senator Davis moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Bell,	Getzendaner,	Pope,
Calhoun,	Hall,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Garrison,		

NAYS—none

The bill was read a third time and passed by the following vote:

YEAS—22.

Bell,	Getzendaner,	Pope,
Calhoun,	Hall,	Randolph,
Camp,	Houston of Wheeler,	Shannon,
Davis,	Jerdone,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Peacock,	Traylor,
Fowler,	Perry,	Woods.
Garrison,		

NAYS—none.

(Senator Woods in the chair.)

On motion of Senator Johnson,

Senate bill No. 48, "An act to prevent parties from hunting or fishing upon the enclosed lands of another, and to prescribe a penalty therefor," was taken up out of its regular order, and

Read second time, with committee substitute.

On motion of Senator Davis,

The committee substitute was adopted.

Senator Getzendaner offered the following amendment:

Add "the word" before the word "posted," in tenth line.

Adopted.

Senator Calhoun offered the following amendment:

Amend by exempting all the counties embraced in the twenty-ninth senatorial district from the operations of this act.

Senator Houston of Wheeler offered to amend the amendment as follows:

Amend by adding the counties of Archer, Baylor, Clay, Donley, Haskell, Hardeman, Montague, Oldham, Throckmorton, Young, Wheeler, and the counties attached thereto are exempt from the provisions of this act.

Accepted.

Senator Shannon offered the following amendment to the amendment:

Except the counties of Parker, Jack, Wise and Tarrant from the operations of the law.

Accepted.

Senator Hall asked to amend the pending amendment by adding the following counties to the exempted list:

Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, La Salle, Frio, Maverick, Kinney, Dimmitt, Zavalla, Nueces, Duval, Uvalde.

Accepted.

Senator Jerdone offered the following amendment:

Amend by excepting all counties in tenth senatorial district—Galveston, Brazoria and Matagorda.

Accepted.

Senator Peacock offered to amend the pending amendment as follows:

Amend so as to exempt from the operation of this act the counties of Bowie, Cass, Marion, Morris and Titus.

Accepted.

Senator Camp offered to amend as follows:

Amend by exempting the counties of Gregg, Smith, Wood, Upshur and Rains from the operations of the act.

Accepted.

The amendment of Senator Calhoun as amended was lost by the following vote:

YEAS—10.

Bell,	Houston of Wheeler,	Peacock,
Calhoun,	Jerdone,	Randolph,
Camp,	Johnson,	Shannon,
Hall,		

NAYS—12.

Davis,	Garrison,	Stinson,
Evans,	Getzendaner,	Terrell,
Farrar,	Glasscock,	Traylor,
Fowler,	Perry,	Woods.

Senator Traylor offered to amend to bill as follows:

Add to section 1, "provided, this act shall not apply to enclosures of more than 1280 acres of land."

Lost.

Senator Houston of Wheeler moved a call of the Senate.

Call sustained, and

Roll call completed, and

Senator Pope found absent without excuse.

Senator Shannon moved to suspend the call.

The Senate refused to suspend the call.

Senator Pope returned to the Senate chamber, and

The Senate was declared full.

Senator Davis moved the previous question.

Seconded and main question ordered, and

The bill was ordered engrossed by the following vote:

YEAS—17.

Bell,	Garrison,	Pope,
Camp,	Getzendaner,	Randolph,
Davis,	Glasscock,	Stinson,
Evans,	Hall,	Terrell,
Farrar,	Johnson,	Woods.
Fowler,	Perry,	

NAYS—6.

Calhoun, Jerdone, Shannon,
Houston of Wheeler, Peacock, Traylor.

Senator Hall introduced the following resolution:

Resolved, That the President of the Senate be authorized to employ the services of J. P. C. Whitehead so long as his services are needed, to assist the secretaries in the discharge of their duties.

Adopted unanimously.

On motion of Senator Houston of Wheeler, Senate joint resolution No. 1, proposing an amendment to section 12, article 8, was taken up and made special order for Wednesday next after morning call, and from day to day till disposed of.

On motion of Senator Shannon,

One hundred copies of Senate bill No. 195. "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," were ordered printed for the use of the Senate.

On motion of Senator Perry,

Senate bill No. 37, "An act to amend article 636, title 8, chapter 3 of the Code of Criminal Procedure of the State of Texas," was taken up out of its regular order and made special order for Wednesday after morning call.

Senator Stinson moved to reconsider the vote engrossing Senate bill No. 48, and to lay that motion on the table.

Adopted.

On motion of Senator Traylor, Senate bill No. 193, "An act to provide for the correction and revision of the abstracts of located, titled and patented lands in Texas, was taken up out of its regular order and read second time, with committee amendments.

The amendments were lost.

Senator Traylor offered the following amendment:

Whereas, It is important that this bill pass at this session of the Legislature, an imperative public necessity and emergency exists for the passage of this act; therefore the rule requiring bills to be read on three several days be and the same is hereby suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended and the bill placed on third reading by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Hall, Shannon,
Davis, Houston of Wheeler, Stinson,
Evans, Jerdone, Terrell,
Farrar, Johnson, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Peacock.

The bill was read third time.

Senator Terrell offered the following amendment:

Insert in line 4, after the word "act," the words "shall take effect," and strike out the words "the passage of," in third line

Adopted by the following vote:

YEAS—22.

Bell, Getzendener, Pope,
Calhoun, Glasscock, Randolph,
Camp, Houston of Wheeler, Shannon,
Davis, Jerdone, Stinson,
Evans, Johnson, Terrell,
Farrar, Peacock, Traylor,
Fowler, Perry, Woods,
Garrison,

NAYS—none.

ABSENT, NOT VOTING.

Hall.

The bill passed.

On motion of Senator Garrison,

The Senate adjourned till 10 o'clock Monday morning.

TWENTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 16, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

On motion of Senator Hall,

Senator Bell was excused for the day.

PETITIONS AND MEMORIALS.

By Senator Kleberg:

Memorial of J. W. Dickey, of Wilson county, asking relief.

Referred to Committee on State Affairs.

Memorial of citizens of Live Oak county, asking that civil and criminal jurisdiction of the county court of Live Oak county be restored.

Referred to Judiciary Committee No. 1.

By Senator Houston of Bexar:

Memorial of the county officers of Kerr county, protesting against the reduction of the frontier forces.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 16, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 375, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendener:

COMMITTEE ROOM,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was